

Application No. 10/537,520  
Amendment dated March 12, 2009

Docket No.: 68136(46342)

### **REMARKS**

Claims 1, 4-7, 11, and 18-29 are pending in the application. Claims 2, 3, 8-10, and 12-17 stand canceled. Claims 4-6, 18, 19, 28, and 29 have been canceled without prejudice. Claim 1 has been amended to more clearly delineate the claimed invention. Support for the amendment to claim 1 can be found throughout the application as filed, and at least at claim 6. As such, claims 1, 7, 11, and 20-27 will be pending upon entry of the within amendment.

Amendment of any claim herein is not to be construed as acquiescence to any of the rejections/objections set forth in the instant Office Action, and was done solely to expedite prosecution of the application. No new matter has been added.

As an initial matter, Applicants appreciate the indication of allowable subject matter, i.e., that claims 7 and 20-27 are allowable.

#### **Claim Rejections – 35 U.S.C. §112, first paragraph**

Claims 1, 4-5, 11 and 18-19 are rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. It is alleged that the proviso language in claim 1 does not have support in the specification. Claim 1 has been amended to incorporate the elements of claim 6 and to delete the proviso language. The rejection is overcome and withdrawal of the rejection is respectfully requested.

Claims 18, 19, 28 and 29 are rejected under 35 U.S.C. §112, first paragraph, as allegedly not enabled for a method for inhibiting cell death or apoptosis. The rejected claims have been canceled. The rejection is overcome and withdrawal of the rejection is respectfully requested.

#### **Claim Rejections – 35 U.S.C. §112, second paragraph**

Claims 19 and 29 are rejected under 35 U.S.C. §112 as allegedly indefinite. Claims 19 and 29 have been canceled. The rejection is overcome and withdrawal of the rejection is respectfully requested.

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### Claim Rejections – 35 U.S.C. §101

Claims 19 and 29 are rejected under 35 U.S.C. §101 as allegedly lacking utility. Claims 19 and 29 have been canceled. The rejection is overcome and withdrawal of the rejection is respectfully requested.

### Claim Objections

Claim 6 is objected to as allegedly dependent on a rejected base claim. Claim 1 has been amended to incorporate the elements of claim 6. Claim 6 has been canceled. The objection is overcome and withdrawal of the objection is respectfully requested.

In view of the above remarks, Applicants believe the pending application is in condition for allowance. Should any of the claims not be found to be allowable, the Examiner is requested to telephone Applicants' undersigned representative at the number below. Applicants thank the Examiner in advance for this courtesy.

The Director is hereby authorized to charge or credit any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 04-1105, under Order No. 68136(46342).

Dated: March 12, 2009

Respectfully submitted,

By   
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